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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

ROBERT L. MORGAN  
*Executive Director*

JERRY D. OLDS  
*State Engineer/Division Director*

November 8, 2004

Leland Smith  
PO Box 402  
Beaver, UT 84713-0402

Dear Mr. Smith:

I am writing in response to your letter of September 24, 2004, regarding the metering and regulation of the Second Northwest Canal and Irrigation Company well.

There is growing concern in the Beaver Valley area about the regulation of water use from both surface and groundwater sources. This heightened interest has prompted the Division of Water Rights to begin a review of the regulation procedures and efforts on the Beaver River Distribution System.

To the extent possible, given the limitations of our resources, it is also the Division's intention to review, monitor, and regulate the use of groundwater in this area. Our initial efforts will likely focus primarily on metering of wells that are used in conjunction with surface water supplies and which do not lend themselves to other methods of monitoring and regulation. However, all of this will take time because the Division has many other water right regulation issues throughout the state, and the manpower and resources that can be committed to this project are quite limited.

Our staff has periodically observed the Second Northwest Canal and Irrigation Company well for several years. The only water right on our records that is associated with the well is Water Right No. 77-1603 which is limited to a diversion amount of 60.00 acre-feet for irrigation of 15.0 acres. Based on staff observations, we have had concerns for some time that water use from the well may have far exceeded the limitations of Water Right No. 77-1603. The notice requiring that a meter be installed on the well was issued because of these concerns. This was the first, but there will be other wells in Beaver Valley that will be required to install and maintain accurate water meters and annually report their water diversions.

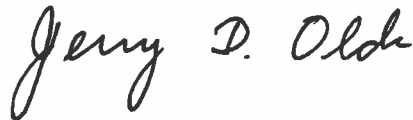
There is no question that a well that is capable of producing large steady flows such as this one could provide a substantial benefit to the water users and could possibly improve the surface water flows in the area. However, the fact remains that the water right associated with the well (77-1603) is limited to a maximum annual diversion amount of 60.00 acre-feet. Until other water rights are transferred into the well, the water use from this well must be restricted to 60.00 acre-feet.

I appreciate the Company's compliance with the metering notice and I further appreciate the concerns you have expressed regarding the need for regulation of other water use in Beaver

Valley. I assure you that I am no less concerned. Please let me reiterate that as manpower and resources allow, the Division will implement additional regulation in the area as necessary.

If you have any questions concerning this letter please contact Lee Sim, Assistant State Engineer for Distribution by phone at (801) 538-7380 or by e-mail at [LeeSim@utah.gov](mailto:LeeSim@utah.gov) or Kerry Carpenter, Southwest Regional Engineer, by phone at (435) 586-4231 or by e-mail at [kerrycarpenter@utah.gov](mailto:kerrycarpenter@utah.gov).

Sincerely,

A handwritten signature in black ink that reads "Jerry D. Olds". The signature is written in a cursive, flowing style.

Jerry D. Olds, P.E.  
State Engineer

cc: Lee Sim, Assistant State Engineer - Distribution  
Kerry Carpenter, SW Regional Engineer  
Ronald Roberts, Distribution Commissioner